

REMARKS

The drawings were objected to because the subject matter of claim 19 was not shown therein. Claim 19 has been amended to overcome the Examiner's objection. The claim is fully supported by the specification as originally filed. Entry is requested.

Claim 18 was rejected under 35 U.S.C. §112, second paragraph, as allegedly contradicting claim 16. Claim 16 has been amended to specify "a forehead rest engaging said interface, a user adjustable deformable resilient member mounted on said forehead rest, said user adjustable deformable resilient member configured in use rest against the face of a patient". Therefore, Applicant submits that claims 16 and 18 do not contradict each other. Entry and consideration is requested.

Claims 16-19 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by United States Patent No. 5,220,699 to Farris. Reconsideration and withdrawal of the rejection is requested in view of the amendments to the claims. Allowance is requested.

Farris does not anticipate claim 16 because it does not disclose a separate forehead rest with a separate deformable resilient member attached to the forehead rest. The Examiner contends the forehead rest of Farris is feature 16. If feature 16 is considered to be the forehead rest, it does not have a **separate** resilient member mounted onto it. Since Farris does not disclose a separate deformable resilient member **mounted** on the forehead rest as required by amended claim 16, amended claim 16 is not anticipated by Farris. Reconsideration and allowance is requested.

Claims 17-19 are dependent upon claim 16 which Applicant submits is allowable. Therefore, Applicant submits that claim 17-19 are allowable. Reconsideration and allowance is requested.

Furthermore, Farris does not anticipate claim 17 because it does not disclose a deformable resilient member being a strap. The strap feature 26 in Farris is a strap that attaches around the patient's head to secure the patient interface to the patients face. Claim 17 requires the strap to be deformable and resilient, be mounted on the forehead rest and rest against the user's face. Farris does not disclose such a deformable resilient member being a strap. Therefore, Farris does not anticipate claim 17. Allowance is requested.

Moreover, Farris does not anticipate claim 18 because it does not disclose a **separate** resilient member that is rotatably mounted on the forehead rest. The Examiner contends the strap 26 is elastic so the member can be rotated, but the Examiner has failed to show what the resilient member is. Further, the strap 26 being elastic does not allow the resilient member to rotate relative to the forehead rest. Since Farris does not disclose a rotatably mounted deformable resilient member, claim 18 is not anticipated by Farris. Allowance is requested.

Should the Examiner have any questions regarding this Response, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: June 18, 2007

By: 

Raiford A. Blackstone, Jr., Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELI, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 W. Adams Street, 36th Floor
Chicago, Illinois 60603